

### **REMARKS/ARGUMENTS**

Claims 1 and 3-7 are currently pending in this application, as amended. By the present amendment, claims 1 and 5 have been amended and claim 2 has been canceled. Additionally, paragraphs [0002], [0007] and [0024] have been amended as noted above. Applicant respectfully submits that no new matter has been introduced into the application by these amendments.

### **DRAWINGS**

In the Action, the drawings were objected as reference "A" in Figure 6 was not noted in the Specification. In response, paragraph [0024] of the Specification has been amended to reference element "A" as the point where the blade (25) contacts the inner closure part (13a). Accordingly, withdrawal of the objection to the drawings is respectfully requested.

### **CLAIM REJECTIONS – 35 U.S.C. §102**

Claims 1-7 were rejected under 35 U.S.C. §102(e) as anticipated by U.S. 2004/0066990 to Schneider et al. Applicant respectfully traverses this rejection.

As amended, claim 1 is directed to a re-sealable bag comprising a closure attached in an interior thereof to one of the front or rear walls, with the closure comprising inner and outer closure parts, which have edges at a distance from a connecting or latching area of the closure. The edges are undetectably connected to the front or the rear wall by a single common seam. A safety strip is located over an opening in the wall above the latching area of the closure. The safety strip is configured so that it can be separated from the wall before an initial opening of the bag for exposing the opening (27). Both of the closure parts are connected to the

wall underneath the opening, and a cover sheet is attached to the inner closure part and also to the one of the front or rear walls above and to a side of the opening.

Schneider et al. discloses a similar bag arrangement with a closure. However, it fails to suggest or disclose the inner and outer closure parts having edges that are undetachably connected to the front or the rear wall by a single common seam as recited in claim 1. All of the embodiments of Schneider et al., with the exception of Figure 10, utilize two separate seams for attaching the inner and outer closure parts separately to the bag wall. In Figure 10, it appears clear that the inner and outer closure parts are separated via a fold (42) defined by a line of weakened tear resistance at the junction of the flange extension and the short flange, as noted in the Action at page 4, paragraph 9. While the outer closure part is connected to the bag wall with a single seam, this outer closure part then continues to extend up to the fold line 42, where it connects to the inner closure part. This makes manufacture more difficult as the closure elements must be opened in order to form the seam between the bag wall and the outer closure part. In view of this difference, claim 1 should be patentable over this reference.

With respect to claims 3 and 4, these claims depend directly or indirectly from claim 1 and should be similarly patentable for the reasons noted above in connection with claim 1.

Claim 5 depends from claim 1 and further recites that the edges of the closure parts are connected to each other and the closure part is produced in one part, and the single common seam is located along the fold between the inner and outer closure parts. This is in clear contrast to the construction of Schneider et al. as shown in Figure 10 as the seam (18) is located on the outer closer part and not at the fold between the inner and outer closure parts. This provides a distinct

advantage in cost savings as the present arrangement allows both the inner and outer closure parts to be connected to the bag wall using a single common seam located along the fold, without opening the closure elements. In contrast, Schneider et al., Figure 10, requires the actual closing elements to be opened during the heat sealing procedure for forming the seam. In the highly competitive market for producing bags at reduced costs, the bags according to the present arrangement provide an important cost saving step by allowing both the inner and outer closure parts to be attached to the bag wall with a single seam without the need to open the closure elements.

With respect to claims 6 and 7, these claims also depend from claim 1 and should be similarly patentable for the reasons noted above in connection with claim 1.

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**Application No.:** 10/597,424

CONCLUSION

If the Examiner believes that any additional minor formal matters need to be addressed in order to place the present application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing Amendments and Remarks, Applicant respectfully submits that the present application, including claims 1 and 3-7, is in condition for allowance, and a Notice to that effect is respectfully requested.

Respectfully submitted,

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